

REMARKS

Claims 1-27 are pending. Claims 17-24, 26, and 27 are withdrawn.

Claims 1-16 and 25 are rejected.

Oath/Declaration

The Examiner states that the Declaration is defective because it is not signed. Applicant respectfully disagrees because the Declaration submitted on January 25, 2002 is indeed signed by the inventor. Thus, applicant respectfully asserts that the Examiner's assertion of a defect be withdrawn.

Claim Rejections Under 35 U.S.C. §102

Claims 1-7, 9-15, and 25 are rejected under 35 U.S.C. § 102(b) as anticipated by Mori. Applicant respectfully disagrees.

Mori's method does not prevent, delay, or alleviate macular degeneration by the claimed method of providing both low energy to activate a photosensitive agent to damage a vessel, and high energy to generate heat to coagulate fluid that has leaked from a vessel.

Mori's method does not use photocoagulation to prevent, delay, or alleviate macular degeneration, as the claims require. It therefore does not anticipate the invention. This is because Mori uses photocoagulation, not for therapy, but only to identify or mark the area for subsequent therapy with NPe6. "The predetermined regions (that is, said spots) of the blood vessels to be irradiated with the laser beam had been marked preliminary by photocoagulation by means of an argon laser beam". Mori column 7, lines 61-64. Without this identification, Mori would not know which area to treat.

Applicant therefore respectfully requests that this rejection be withdrawn.

Claims 1, 2, 4, 9, 10, 12 and 25 are rejected under 35 U.S.C. § 102(e) as anticipated by Guyer. Applicant respectfully disagrees.

Guyer discloses anti-VEGF therapy, in combination with either PDT or coagulation. It cannot anticipate the claimed method, at least because it does not disclose providing both low energy to activate a photosensitive agent to damage a vessel, and high energy to generate heat to coagulate fluid that has leaked from a vessel.

Applicant therefore respectfully requests that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as obvious over Mori in view of the Choroidal Neovascularization Prevention Trial Group Publication. Applicant respectfully disagrees.

Mori in view of the publication does not render the invention obvious, at least because Mori does not disclose thermal coagulation to achieve therapy for the reasons previously analyzed. Therefore, Mori is not properly combined with the publication.

Applicant therefore respectfully requests that this rejection be withdrawn.

CONCLUSION

For the above reasons, applicant respectfully requests that these rejections be withdrawn and asserts that the application is in complete condition for allowance.

Applicant believes that no fees are due with this submission. However, should any fees or surcharges be deemed necessary, the Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to telephone applicant's undersigned representative with any questions.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

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